

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DUNCAN J. McNEIL,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 05-458-DRH
)	
THE UNITED STATES OF AMERICA, <i>et</i>)	
<i>al.</i>,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

HERNDON, District Judge:

On September 8, 2005, the Court issued an order (Doc. 9) denying Plaintiff's motion for leave to proceed *in forma pauperis* because Plaintiff had on three or more prior occasions, while incarcerated or detained, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim. *See* 28 U.S.C. § 1915(g). The Court ordered Plaintiff to pay the full filing fee within 15 days or have the case dismissed for failure to comply with an order of the Court.

Plaintiff responded to the Court's order with a motion (Doc. 10) in which he claimed that he is under "imminent danger of serious physical injury" and should be granted *in forma pauperis* status despite his three strikes. The Court found that Plaintiff's allegations of imminent danger were wholly unrelated to the claims stated in his complaint, and thus could not be used as a basis for proceeding under the "imminent danger" exception to 28 U.S.C. § 1915(g). Plaintiff was again ordered to pay the full filing fee within 15 days or have the case dismissed for failure to comply with an order of the Court (Doc. 11).

Plaintiff has now responded with two motions in which he seeks “relief from sua sponte ‘void’ orders of dismissal,” to amend his complaint, for relief from the Court’s orders of 9/08/05 and 10/03/05,” and for extension of time (Docs. 12 & 13). In the documents, Plaintiff reiterates his claims and seeks an extension of time to file additional documents in the case.

These motions do not alter the Court’s earlier conclusions that Plaintiff has accumulated three “strikes” pursuant to 28 U.S.C. § 1915(g) and that he is not under imminent danger of serious physical injury. Plaintiff has been given ample opportunity to pay the filing fee in full, and he has not done so.

IT IS THEREFORE ORDERED that this action is **DISMISSED with prejudice**. The Clerk is **DIRECTED** to close this case.

IT IS SO ORDERED.

DATED: November 18, 2005

/s/ David RHerndon
DISTRICT JUDGE